

## Message Text

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14

ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-15

SAJ-01 NIC-01 ACDA-19 IO-13 CPR-02 RSR-01 /131 W

----- 041726

R 240920Z AUG 73

FM USMISSION BERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 1452

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY RUFNPS

USMISSION NATO

C O N F I D E N T I A L BERLIN 1452

EO 11652: GDS

TAGS: PGOV, WB, GE, GW

SUBJECT: PRIVILEGES AND IMMUNITIES FOR GDR PERMANENT MISSIONS

REF: A. BONN 11040

B. BERLIN 1273

1. AK LEGAL COMMITTEE HAS REVIEWED SMALL ADITIONS  
SUGGESTED BY FRENCH AND BRITISH EMBASSIES TO TEXT OF  
DRAFT BK/O ON EXTENSION TO WEST BERLIN OF LAW PROVIDING  
PRIVILEGES AND IMMUNITIES FOR MEMBERS OF GDR PERMANENT  
MISSION IN BONN, REF A, AND HAS DETERMINED THAT THEY  
MAY APPROPRIATELY BE INCORPORATED INTO TEXT DEVELOPED  
BY MISSIONS, REF B. IF BONN GROUP CONCURRENCE IS  
OBTAINED, WE ARE THEREFORE PREPARED TO ISSUE FOLLOWING  
TEXT:

BEGIN TEXT:

SUBJECT: FEDERAL LAW PROVIDING PRIVILEGES AND  
IMMUNITIES TO THE "STAENDIGE VERTRETUNG OF THE  
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GERMAN DEMOCRATIC REPUBLIC"

REF: BK/O(64)3  
BK/L(73)21

1. THE ALLIED KOMMANDATURA, HAVING NOTED THE  
EXTENSION TO BERLIN OF THE LAW CITED ABOVE, BY  
ANWENDUNGSGESETZ, ORDERS AS FOLLOWS:

(I) THE PROMULGATION IN BERLIN OF THE LAW EXTENDING  
THE FEDERAL LAW CITED ABOVE SHALL IN NO WAY AFFECT THE  
LEGAL PROVISIONS IN FORCE IN BERLIN WITH REGARD TO THE  
DEFINITION OF PRIVILEGES AND IMMUNITIES OR THE  
DESIGNATION OR STATUS OF PERSONS ENTITLED THERETO.

(II) IN PARTICULAR IT SHALL IN NO WAY AFFECT  
THE COMPETENCE OF THE ALLIED AUTHORITIES TO DETERMINE  
AT ANY TIME, IF AND SO FAR AS MAY APPEAR TO THEM TO  
BE NECESSARY, THE EXTENT OF ENTITLEMENT TO PRIVILEGES  
AND IMMUNITIES IN BERLIN AND TO TAKE ANY MEASURES WHICH  
THE ALLIED KOMMANDATURA MIGHT DEEM NECESSARY WITH  
RESPECT TO THESE PRIVILEGES AND IMMUNITIES.

(III) NO ORDINANCE (VERORDNUNG) ISSUED UNDER THE  
LAW CITED ABOVE MAY ENTER INTO FORCE IN BERLIN WITHOUT  
THE EXPRESS APPROVAL OF THE ALLIED KOMMANDATURA.

2. THIS ORDER WILL BE TRANSMITTED TO THE GOVERNING  
MAYOR, BERLIN, FOR SUCH ACTION AS MAY BE NECESSARY  
IN RELATION TO IT, INCLUDING PUBLICATION  
IN ACCORDANCE WITH BK/O(64)4.

/S/ CHAIRMAN DEPUTY COMMANDANT

END TEXT

2. WHILE ADDITIONS SUGGESTED BY FRENCH AND BRITISH  
EMBASSIES MAKE MORE PRECISE WHAT POWERS ALLIES HAVE  
RESERVED, WE WOULD NOT CONSIDER EITHER TO BE ESSENTIAL  
IF FRG HAS OBJECTIONS TO THEM SINCE ALLIES MAY BE CON-  
SIDERED TO POSSESS UNDER GENERAL RESERVED POWER  
SUFFICIENT TOOLS TO DEAL WITH ANY PROBLEM THAT MIGHT  
ARISE. IN PARTICULAR, WHILE ALLIES MAY NOT EXPEL  
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GERMAN WITH PERMANENT RESIDENCE IN BERLIN FROM CITY,  
THEY MAY STRIP OFFENDING GDR DIPLOMAT OF PRIVILEGES  
AND IMMUNITIES THUS LEAVING HIM LIABLE TO PROSECUTION  
FOR ANY OFFENCES AGAINST ALLIED OR GERMAN LAW THAT HE  
MIGHT COMMIT. WHILE ORDINANCES WOULD NOT NORMALLY  
BE SUBMITTED TO AK FOR SPECIFIC APPROVAL PRIOR TO  
ENTRANCE INTO FORCE UNLESS ALLIES SO REQUESTED, AK HAS  
COMPETENCE TO AMEND OR NULLIFY AN ORDINANCE WHICH HAS

BEEN PROMULGATED AND IN WHICH WE SUBSEQUENTLY DISCOVER  
PROBLEM. TEXT TRANSMITTED REF B COULD, THEREFORE,  
BE DEEMED TO PROTECT OUR LEGAL POSITION ADEQUATELY IF  
FRG SHOULD PREFER IT FOR POLITICAL REASONS, SINCE IT MORE  
CLOSELY PARALLELS BK/O(64)3 WHICH WAS ISSUED WHEN ALLIES  
AUTHORIZED EXTENSION OF VIENNA CONVENTION ON DIPLOMATIC  
RELATIONS TO BERLIN.KLEIN

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 24 AUG 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** hilburpw  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973BERLIN01452  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS KLEIN  
**Errors:** N/A  
**Film Number:** n/a  
**From:** BERLIN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730818/aaaaamzs.tel  
**Line Count:** 122  
**Locator:** TEXT ON-LINE  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** A. BONN 11040  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** hilburpw  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 13 AUG 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <13-Aug-2001 by izenbei0>; APPROVED <24-Sep-2001 by hilburpw>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PRIVILEGES AND IMMUNITIES FOR GDR PERMANENT MISSIONS  
**TAGS:** PGOV, WB, GC, GE  
**To:** n/a  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005